

PUBLIC RECORDS ACT POLICY

PURPOSE

The purpose of this policy is to ensure a prompt and appropriate response to all Public Records Act (PRA) requests.

POLICY

This policy applies to all requests for City records pursuant to provisions of the Public Records Act (PRA) found in Section 6250 et. seq. of the Government Code of the State of California. The PRA applies to records that are paper (hard copy) or electronic (computerized). The PRA requires disclosure of City records within ten (10) calendar days unless there is a statutory basis for non-disclosure, or the City determines that the public interest in non-disclosure significantly outweighs the public interest in disclosure. The City is liable for attorney's fees and costs in the event a court orders release of records that the City has not disclosed after receipt of a request.

To facilitate a prompt and appropriate response, all PRA requests shall be processed as follows:

- A. Any employee or officer receiving a written PRA request shall, on the day of receipt, deliver a copy of the request to the City Attorney.
- B. An Employee receiving a verbal request that requires a search for records or that should be reviewed by the City Attorney's Office should ask the requester to confirm the request in writing and, if the requester declines, prepare a written record of the request.
- C. Requests for public records must sufficiently describe the records sought so that identification, location and retrieval can be accomplished. When a request to inspect/copy a public record is received, and the request does not describe a reasonably identifiable record, employees are responsible to assist the requesting party as necessary to identify the records they are seeking.
- D. The City Attorney will monitor compliance with this Policy and State Law.
- E. A Department Director receiving a copy of a PRA request shall, within three days of receipt, deliver the request to the City Attorney.

- F. The City Attorney shall evaluate request and recommend an appropriate response.
- G. The City Attorney shall respond to the PRA request within ten (10) calendar days after the request is received unless "unusual circumstances", as defined in the PRA, require additional time. The City's response shall contain, or be accompanied by, direction to the Department Director(s) specifying the records to be duplicated and in the case of electronic records, the format of the records to be disclosed.
- H. Once a request is made to inspect a public record and the records identified are located in the electronic communication system, the City officer or employee having control of the electronic communication shall use his/her best efforts, to temporarily preserve the record until it is determined if the record is subject to preservation, public inspection, or production.
- I. All PRA requests for electronic communications should be handled in accordance with this Policy, Policy F-17, and Departmental policy and direction. All electronic communications that constitute an identifiable public record and that are not privileged or exempt from disclosure shall be disclosed in compliance with the applicable provisions of the PRA.
- J. The City is obligated to produce the records upon payment of fees covering direct costs of duplication or a statutory fee, if applicable. The City is not entitled to recover costs associated with searching for or retrieving the record unless specifically authorized by State law. The requestor should be referred to the Administrative Services Department for payment of the costs of duplication prior to release of the records.
- K. An Employee is, after review by the City Attorney, authorized not to disclose records pursuant to a PRA request when:
 - 1. The request does not reasonably describe an identifiable record after making a reasonable effort to elicit additional clarifying information to help identify the record(s);
 - 2. The request would require that the City compile data, perform research or create new records not currently in existence;

3. The request seeks records which are privileged or exempt from disclosure;
or
4. The request seeks records which are not reasonably segregable from
records which are exempt from disclosure.

Adopted - January 24, 1994

Amended - April 23, 2002